

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: May 16, 2006

Division: County Administrator

Bulk Item: Yes ☐ No ☒

Department: County Administrator

Staff Contact Person: Connie Cyr

AGENDA ITEM WORDING:

Request to increase advance on \$20 Million grant from \$1 Million to \$3.7 Million.

ITEM BACKGROUND:

In August 2005 Monroe County inter into a Interlocal Agreement with The Key Largo Wastewater Treatment District to provide an advance payment of \$1,000,000, which has been provided.

PREVIOUS RELEVANT BOCC ACTION:

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS:

TOTAL COST: _____

BUDGETED: Yes ☐ No ☒

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ☐ No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty _____ OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL: _____

Thomas J Willi

(Thomas J. Willi)

DOCUMENTATION: Included _____

Not Required _____

DISPOSITION: _____

AGENDA ITEM # _____

RESOLUTION 19-05-06

**A RESOLUTION OF THE KEY LARGO WASTEWATER
TREATMENT DISTRICT, REQUESTING MONROE
COUNTY TO AMEND THE AUGUST 2005 INTERLOCAL
AGREEMENT TO PROVIDE FOR AN ADVANCE TO THE
DISTRICT OF \$3,700,000**

WHEREAS, the Key Largo Wastewater Treatment District ("District") and Monroe County entered into a "First Amended and Restated Interlocal Agreement" (hereinafter "2005 ILA") in August 2005, under which Monroe County agreed, among other things, to provide funding for certain wastewater improvements known as the "North Improvements;" and

WHEREAS, the 2005 ILA provides for an advance to the District of \$1,000,000, which has been received, and further payments to be made on a reimbursement basis; and

WHEREAS, the Florida Prompt Payment Act and the Local Government Prompt Payment Act impose very short deadlines for payment of construction invoices, to wit, 25 days after receipt of a proper invoice, and late payments are subject to mandatory interest and attorneys' fees; and

WHEREAS, Monroe County's review time for payment requests often requires more time than is allowed under the Florida Prompt Payment Act and the Local Government Prompt Payment Act; and

WHEREAS, the District desires to increase the amount of the advance payment under the 2005 ILA from \$1,000,000 to \$3,700,000, in order to avoid incurring mandatory interest and attorneys' fees;

NOW, THEREFORE, the Key Largo Wastewater Treatment District respectfully requests that Paragraph 4.09 of the 2005 ILA be amended by changing the term "One Million Dollars (\$1,000,000)" to "Three Million Seven Hundred Thousand Dollars (\$3,700,000)."

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The foregoing RESOLUTION NO. 19-05-06 was offered by Commissioner Tobin,
who moved its approval. The motion was seconded by Commissioner Bauman
and being put to a vote the result was as follows:

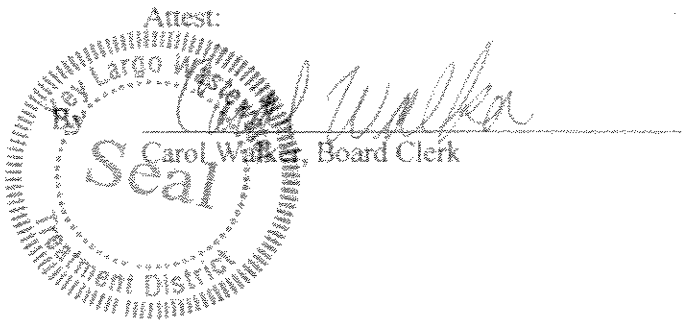
	AYE	NAY
Commissioner Gary Bauman	<u>X</u>	_____
Commissioner Claude Bullock	<u>X</u>	_____
Commissioner Charles Brooks	<u>X</u>	_____
Commissioner Andrew Tobin	<u>X</u>	_____
Chairman Glenn Patton	<u>X</u>	_____

The Chairman thereupon declared Resolution No. 19-05-06 duly passed and adopted the 17th day
of May 2006.

**KEY LARGO WASTEWATER TREATMENT
DISTRICT GOVERNING BOARD**

By Glenn Patton
Glenn Patton, Chairman

Attest:



Approved as to form and content:

By Thomas W. Zellner
District Counsel